

MINUTES
ENFORCEMENT COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TX
August 18, 2011 – 8:30 a.m.

CALL TO ORDER. Committee Chair Gary Raba, D.Eng., P.E., Committee Chair, called the Enforcement Committee meeting to order at 8:30 a.m. on August 18, 2011, at the Texas Board of Professional Engineers, (TBPE) 1917 South IH-35, Austin, Texas. (**Note: All votes are unanimous unless otherwise indicated.**)

1. Roll call and welcome visitors.

Gary Raba, D.Eng., P.E.	Chair
James "Jim" Greer, P.E.	Member
Elvira Reyna	Member
Edward L. Summers, Ph.D.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel. Mr. Edmundo Gonzalez, P.E., Emeritus Board Member was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Piphio, MPA	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Cliff Bond	Supervising Investigator
Dewey Helmcamp, III ,JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

Visitors: Al Kosik, P.E., Texas Department of Transportation; Trish Smith, Texas Society of Professional Engineers, Executive Director

2. Public comment. None.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING (AGENDA ITEMS 3-5):

3. Director of Compliance & Enforcement Report.

- **Discuss and possibly act on the following proposed rules.**
 - **§137.51 General Practice.** Mr. Clark informed the committee that the proposed rule change deletes the word "promptly" and replaces it with "21 days" which clarifies to the respondent the amount of time - allowed to provide a response to the Board.
 - **§139.35 Sanctions and Penalties.** Mr. Clark stated that the proposed rule change includes a note before each table that indicates- suspensions could be full or probated suspensions. Table (e) addresses governmental entities for First and Second occurrences.

It was MOVED/SECONDED (Summers/Reyna) to recommend to the Board at its Regular Quarterly Board meeting on August 18, 2011, to publish the rules on the Texas Register as submitted. A vote was taken and the MOTION PASSED.

- **C&E Internal Audit Report.** Mr. Clark reported that an internal audit was completed in the Compliance & Enforcement division. Data numbers from FY10 were provided and hard copies and TIDE case files were evaluated. The audit resulted in a positive report. He added that the report was included for review and he would be glad to answer any questions.
- **C&E Process Improvements.** Mr. Clark commented that under the direction of the Executive Director and the Deputy Executive Director, Compliance & Enforcement have been reviewing

effective ways to improve processes in the division. Mr. Clark asked staff attorney Dewey Helmcamp to add any additional comments regarding the C&E improvement process.

Mr. Helmcamp addressed the Committee members and informed them that he will be handling all the SOAH cases and reviewing all the enforcement cases. He shared with the Committee members the SOAH process and case schedule.

4. **Review, discuss, and possibly act on modification to approved Board orders.** Mr. Kinney informed the committee that the purpose of this agenda item is to request that the Board grant the Executive Director the authority to modify the payment dates and possible payment schedules in Agreed Board Orders that have already been approved by the Board on an "as needed" basis. After much discussion the Committee members agreed to recommend this action to the Board at its Regular Quarterly Board meeting on August 18, 2011, and asked that the definition of timeline be clarified to read "2 years with a possible maximum of 3 years" for the extension. The Committee unanimously agreed to discuss this further at the Regular Quarterly Board meeting on August 18, 2011, for further guidance.

5. **Issues for consideration and schedule next meeting.**

Dr. Raba asked that future meetings include a report from the staff attorney.

ADJOURN.

The Chair adjourned the meeting at 9:04 am.

Date Committee approved minutes as submitted:
Date Board accepted the minutes:

November 17, 2011
November 17, 2011